

ORDINANCE NO. 04-__

AN ORDINANCE OF THE BOARD OF
COUNTY COMMISSIONERS OF LEON
COUNTY, FLORIDA, AMENDING SECTION
10-920 OF CHAPTER 10 OF THE CODE OF
LAWS OF LEON COUNTY, FLORIDA,
RELATING TO THE PURPOSE AND INTENT,
ALLOWABLE USES, LIST OF PERMITTED
USES, AND DEVELOPMENT STANDARDS IN
THE RESIDENTIAL PRESERVATION ZONING
DISTRICT AND PROVIDING FOR
CONFLICTS; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.

Whereas, the Board of County Commissioners deserves to clarify the intent of the
Residential Preservation zoning district specifically with regard to the allowable densities of new
development while protecting existing and established residential development;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
COUNTY, FLORIDA:

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SECTION 1. Chapter 10, Section 10-920 is hereby amended to provide as follows:

(a) *Purpose and intent.* The residential preservation district is characterized
by existing homogeneous residential areas within the community predominantly accessible
by local streets. The primary function is to protect existing stable and viable residential areas
from incompatible land uses and density intrusions. Commercial, retail, office, and industrial
activities are prohibited. (Certain nonresidential activities may be permitted, such as home
occupations consistent with the applicable provisions of Section 10-1103; community
services and facilities/institutional uses consistent with the applicable provisions of Section
10-1104; and churches, religious organizations, and houses of worship. See division 8,
supplementary regulations.) Single-family, duplex residences, mobile homes manufactured
homes, and cluster housing may be permitted within a range of zero to six units per acre.
Compatibility with surrounding residential type and density shall be a major factor in the
authorization of development approval and in the determination of the permissible density.

(1) For In residential preservation areas outside the urban service area, the
density of the nonvested development in residential preservation areas shall be consistent
with the underlying land use category. ~~no more than one unit per ten acres in the rural
category; no ore than one dwelling unit per three acres or one dwelling unit per acre if
clustered on 25 percent of the site in the urban fringe category.~~

1 Allowable density and development type in the residential preservation zoning
2 district shall be consistent with any and all existing residential development patterns within
3 the adjacent portions of the affected residential preservation zoning district.
4

5 (2) In residential preservation areas inside the urban services area, new
6 residential development densities shall be consistent with those within the developed
7 portions of the recorded or unrecorded subdivision in which they are located. Consistency
8 for the purposes of this paragraph shall mean that proposed lots shall not be smaller than the
9 smallest lot that was created by the original subdivision plat or any subsequent replat that
10 may have occurred consistent with County land development regulations in effect at the time.
11

12 (3) When new residential development inside the urban services area is
13 proposed for an area not located within a recorded or unrecorded subdivision, densities shall
14 be permitted in the range of zero to six dwelling units per acre and shall be further limited
15 to a density of no greater than 25 percent more than that of the densest residential land
16 development contiguous to the proposed development. Or, in the case of no existing
17 contiguous residential development, the proposed development shall be limited to a density
18 of no greater than 25 percent more than that of the densest residential land development
19 currently existing within one quarter mile. For purposes of this section, the density of
20 existing residential development shall mean the net density of the residential development
21 within one quarter mile of the development, consistent with the availability of central water
22 and sewer service to accommodate the proposed development. If central water and sewer
23 service is not available, density shall be limited to a maximum of two (2) dwelling units per
24 acre consistent with all applicable provisions of the Environmental Management Act.
25

26 (4) Allowable development type shall be construed to mean number of units
27 (single-family vs. duplex) and permitting type (conventional - building code or ~~DCA~~
28 Department of Community Affairs approved vs. ~~mobile home/~~ manufactured home -
29 ~~DHSMV~~ Department of Highway Safety and Motor Vehicles approved and as further
30 described in Article XVII of this Chapter). ~~Areas~~ Parcels proposed for residential
31 development surrounded entirely by a mix of conventional single-family homes and
32 manufactured homes, residential residences shall only be developed for conventional single-
33 family, DCA approved or residential design manufactured home (RDMH) use, unless
34 standard design manufactured home (SDMH)/mobile home development is the predominant
35 development type. more residences, a ~~Areas~~ Parcels proposed for residential development
36 surrounded entirely by duplex residences may shall only be developed for duplex residences;
37 ~~areas parcels~~ proposed for residential development surrounded by a mixture of single-family
38 and duplex development may shall be developed for single-family use only, unless duplex
39 residential development is the predominant development type.
40

41 (5) The placement of new SDMH and ~~mobile homes/~~ manufactured homes
42 shall be allowed in existing ~~mobile~~ manufactured home parks of public record, existing
43 subdivisions platted explicitly for the purposes of allowing either ~~mobile~~ manufactured
44 ~~homes or mobile homes~~ and conventional single-family homes, or as replacement of any
45 lawfully existing ~~mobile~~ manufactured home of public record consistent with the provisions
46 of Article XVII of this Chapter. The establishment of new ~~mobile home/~~ manufactured home

1 parks shall be consistent with the requirements set forth in Section 10-1105 of this article.
2

3 (b) *Allowable uses.* For the purpose of this article, the following land use
4 types are allowable in the RP zoning district and are controlled by the land use development
5 standards of this article, the comprehensive plan and schedules of permitted uses.
6

7 (1) Low-density residential.

8 (2) Passive recreation.
9

10 (3) Active recreation.
11

12 (4) Community services.
13

14 (5) Light infrastructure.
15
16

17 (c) *List of permitted uses.* See schedules of permitted uses, section 10-1210.
18 Some of the uses on these schedules are itemized according to the Standard Industrial Code
19 (SIC). Proposed activities and uses are indicated in the schedules. The activity or use may
20 be classified as permitted, restricted, or permitted through special exception, or not allowed.
21 Those uses or activities permitted through special exception shall require review and
22 approval by the Board of County Commissioners consistent with the provisions of Section
23 10-954.
24

25 (d) *Development standards.* All proposed development shall meet the
26 applicable buffer zone standards as outlined in (Section 10-923). For residential development in
27 recorded or unrecorded subdivisions, the development standards including front, rear, side, and side
28 corner yard setbacks for new residential development shall be consistent with the developed portions
29 of the recorded or unrecorded subdivision in which it is located. For new residential development
30 in residential preservation areas not located in recorded or unrecorded subdivisions the applicable
31 development standards including but not limited to front, rear, side, and side corner yard setbacks
32 shall be established at the time of subdivision and site and development plan review.
33

34 **SECTION 3.** All ordinances or parts of ordinances in conflict with the provisions of this
35 ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with
36 the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail
37 over any parts of this ordinance which are inconsistent, either in whole or in part, with the said
38 Comprehensive Plan.
39

40 **SECTION 4.** If any word, phrase, clause, section or portion of this ordinance shall be held
41 invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be
42 deemed a separate and independent provision and such holding shall not affect the validity of the
43 remaining portions thereof.
44

45 **SECTION 5.** This ordinance shall become effective upon adoption.
46

1 **DULY PASSED AND ADOPTED BY** the Board of County Commissioners of Leon
2 County, Florida, this _____ day of _____ 2004.
3

4 **LEON COUNTY, FLORIDA**

5 **By: _____**

6 **Jane G. Sauls, Chairman**

7 **Board of County Commissioners**
8

9 **ATTESTED BY:**

10 **BOB INZER, CLERK OF THE COURT**

11 **By: _____**

12 **Clerk**
13

14 **APPROVED AS TO FORM:**
15

16 **COUNTY ATTORNEY'S OFFICE**

17 **LEON COUNTY, FLORIDA**
18

19 **By: _____**

20 **HERBERT W. A. THIELE**

21 **COUNTY ATTORNEY**

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